

MTSA Regulations found at 33 CFR Subchapter H
Part 105—Facilities.

#10-04 APRIL 8, 2004 Change 3---POLICY ADVISORY COUNCIL FAQ

Q. 33 CFR 105.105 (a)(1) states that the requirements of this part apply to the owner or operator of any U.S. facility subject to 33 CFR Part 126. However, the applicability of 33 CFR Part 126 includes “Materials Hazardous only in Bulk” that are regulated under 46 CFR Part 148. Was it the intent of the MTSA Regulations to include all cargoes listed in 46 CFR Part 148 or are there cargoes in that list that should be waived from the requirements of the regulations?

Ans. The Coast Guard has conducted a careful review of the cargoes listed in 46 CFR Part 148 and the IMO Code of Safe Practice for Solid Bulk Cargoes (BC Code) and has determined that certain cargoes pose a lower risk of causing the threat of a transportation security incident. A vessel that handles such cargoes is not subject to 33 CFR Part 104 unless there is another applicability factor. As such, the Coast Guard is exempting a facility that only receives the following cargoes, listed in either 46 CFR Part 148 or the BC Code, from a vessel not otherwise subject to 33 CFR Part 104:

Bulk Cargo Code:	46 CFR Part 148:
<ul style="list-style-type: none">• Brown Coal Briquettes (Lignite)• Calcined Pyrites (Pyritic ash, Fly ash)• Charcoal• Coal• Direct Reduced Iron (Hot & Cold molded)• Ferrosilicon, containing 25% to 30% silicon or 90% or more silicon (including briquettes)*• Fluorspar (Calcium Fluoride)• Magnesia (unslaked)• Metal Sulphide Concentrates• Peat Moss• Pitch Prill (Prilled Coal Tar, Pencil Pitch)• Silicomanganese (with a silicon content of 25% or more)*• Vanadium Ore• Woodchips• Wood Pulp Pellets	<ul style="list-style-type: none">• Ferrophosphorus• Lime, unslaked• Petroleum coke, calcined• Petroleum coke, uncalcined• Sawdust

NOTE For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).